

APPEAL NO. 023181  
FILED FEBRUARY 6, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on November 20, 2002. The hearing officer determined that (1) the respondent (claimant) sustained a compensable occupational disease injury on \_\_\_\_\_; and (2) the claimant had disability from July 25, 2002, through the date of the hearing. The appellant (self-insured) appeals these determinations, asserting that the hearing officer erred by admitting Claimant's Exhibit Nos. 1 and 3 and by failing to properly consider the self-insured's evidence. The claimant urges affirmance.

DECISION

Affirmed.

We first address the self-insured's assertion that the hearing officer erred in admitting Claimant's Exhibit Nos. 1 and 3. The self-insured argues that the exhibits were not authenticated and, therefore, should not have been considered by the hearing officer. Under Section 410.165(a), conformity to legal rules of evidence is not required. See *also* Texas Workers' Compensation Commission Appeal No. 000300, decided March 23, 2000; and Texas Workers' Compensation Commission Appeal No. 000868, decided June 7, 2000. Accordingly, we cannot conclude that the hearing officer abused her discretion in admitting the exhibits. Hernandez v. Hernandez, 611 S.W.2d 732 (Tex. Civ. App.-San Antonio 1981, no writ).

The hearing officer did not err in determining that the claimant sustained a compensable occupational disease injury on \_\_\_\_\_, and had disability from July 25, 2002, through the date of the hearing. The determinations involved a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). Contrary to the self-insured's assertion above, nothing in our review of the record indicates that the hearing officer failed to fully consider the self-insured's exhibits. Rather, it appears that the hearing officer, as sole judge of the weight and credibility of the evidence, believed the claimant's evidence over that of the self-insured. In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS  
350 N. ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Edward Vilano  
Appeals Judge

CONCUR:

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Daniel R. Barry  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge